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REMARKS

The Examiner's action dated January 28, 2004, has been received and its contents carefully noted.

All of the prior art rejections presented in the action are traversed for the reason that the novel apparatus and methods defined in these claims are not disclosed in any one of the applied references or suggested by any reasonable combination thereof.

As regards the two references relied upon in the rejection presented in section 1.1 of the action, Hirata discloses systems that utilize only wired modems, while Swartz discloses systems that employ only non-wired modems. Neither reference suggests the possibility of combining the two different types of modems, particularly in the manner contemplated by the present invention, and the Examiner has cited no prior art evidence of a suggestion for combining these two different types of modems in the manner contemplated by the invention.

Furthermore, the invention is primarily concerned with transporting data along with at least one other service over wired segments within a building, utilizing outlets that

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couple wired segments to non-wired segments. Neither of the references here under discussion discloses the use of outlets.

It is clear from the present specification that the term "outlet" is used according to its normal meaning in conjunction with electrical systems to identify a point in a wiring system at which current may be taken for consumption by inserting a plug. This is the relevant definition provided in Webster's New World Dictionary, Third College Edition, Simon and Schuster, Inc. (1988). A copy of the cover pages and page 961 of that dictionary is attached. Also attached hereto is a relevant page from a text entitled What's What by Reginald Bragonier Jr. and David Fisher, Ballantine Books (1981). The attached page (388) depicts a common outlet. The present specification indicates at numerous points that outlets employed in the practice of the present invention may be of the type represented by power outlets, telephone outlets, or data outlets, all of which are connected to end user devices by appropriate plugs, or jacks.

In order to more clearly define a network according to the present invention, claim 1 has been amended to specify that each of the claimed outlets is installed in a wall of the building. Support for this addition will be found in the specification at page 15, line 28 to page 16, line 2 and at

page 18, lines 11-13. In addition, exemplary outlets of the type contemplated by the present invention are illustrated in figure 8 of the application drawing.

Claim 1 of the present application is directed to a local area network within a building, which network includes at least one wire segment and at least one non-wired segment. The wired segment includes an electrically-conducting line within the building, at least two outlets, each installed in a wall of the building, and at least one wired modem coupled to the electrically-conducting line and operative to communicate over that line. The non-wired segment includes at least one non-wired modem. At least one of the outlets couples the wired segment to the non-wired segment, i.e. couples the two modems.

As already noted above, one skilled in the art would have no motivation to combine the teachings of the applied references to include a wired modem and a non-wired modem, which are coupled together, particularly by an outlet.

In support of the rejection of claims 1, the Examiner has identified filtering units 5 of Hirata as corresponding to the claimed outlets. In this connection, it must be noted that the filtering units disclosed by Hirata cannot couple a wired modem to a non-wired modem.

Furthermore, neither of the applied references discloses an outlet, when one takes into account the ordinary meaning of that term, and, even more clearly, neither reference discloses an outlet installed in a wall of a building.

Finally, while claim 1 defines the structure of a local area network, Hirata simply discloses that the network shown in figure 1 of the patent is to be connected to a local area network of unspecified structure (specification, column 2, lines 56-61).

It is therefore submitted that, in view of the limitations discussed above, claim 1 clearly defines a structure that is not suggested by any reasonable combination of the teachings of the applied references.

Claims 7 and 8 further distinguish over the applied references in that claim 7 specifies that at least one of the electrically-conducting lines is a cable television line and at least one of the outlets is a cable television outlet, while claim 8 depends directly from claim 7. Neither of the applied references discloses a cable television line or a cable television outlet.

Claims 16-19 have been cancelled.

Claim 20 defines a kit that includes an outlet for coupling to existing wiring and an adapter module that contains both a wired modem and a non-wired modem. Neither reference discloses an outlet for coupling to existing wiring or, for that matter, any outlet at all. The device disclosed by Swartz does not use building wiring and the lines 4 of Hirata could not be existing building wiring because they are all coaxial lines. Furthermore, neither reference discloses an adapter module that can be coupled to an outlet or a module that contains both types of modems. One skilled in the art would have no motivation to combine the two different types of modems disclosed in the applied references in a single adapter module, and particularly an adapter module that is constructed to be coupled to an outlet.

Claim 21 further distinguishes over the applied references by its recitation that the module is operative for protocol converting. Neither reference discloses a module associated with modems that are capable of performing protocol conversion. Swartz specifically discloses, at column 4, lines 36-37, that communication is transparent, which means that there is no protocol conversion.

Claims 22 and 23 distinguish over the applied references by their recitations relating to an outlet. As

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already noted above, neither reference discloses an outlet, and thus neither reference discloses a module partially or fully integrated into an outlet.

Claim 26 further distinguishes over the applied references in a manner similar to claim 7, in that claim 26 specifies that the wired modem is a cable television-line modem and the outlet is a cable television outlet.

Claims 27-30 distinguish over the applied references in essentially the manner as claims 20-23 and claims 33 and 34 distinguish over the applied references in essentially the same manner as claims 26 and 27.

Claim 37 is directed to a method for upgrading existing wiring within a building, including the steps of providing a wired modem and a non-wired modem. In addition, claim 37 has been amended to include the step of coupling the modems through an adapter. Claim 37 includes the further steps of providing an outlet and equipping the outlet with the modems and the adapter. As already noted above, the applied references do not motivate one skilled in the art to provide a system with both types of modems and certainly do not suggest coupling the modems through an adapter, providing an outlet, or equipping the outlet with the modems and the adapter. Therefore, claim 37 is not obvious in view of any reasonable

combination of the teachings of the applied references and thus clearly distinguishes patentably over those references.

Claim 38 is directed to an adapter module for use in upgrading existing wiring of a building so as to support a local area network having at least one wired segment coupled to an outlet and at least one non-wired segment. The claimed modules includes means for detachably electrically and mechanically coupling the module to the outlet and at least one non-wired modem for transporting data communication signals to and from the wired segment when the module is coupled to the outlet. Neither of the applied references discloses an outlet and it follows that neither reference discloses a module comprising means for coupling the module to the outlet.

Claims 44 and 45 further distinguish over the applied references in the same manner as claims 7 and 8.

The rejection presented in section 1.2 of the action is traversed, at least for the reason that the rejected claims depend from allowable claims and should be considered allowable along therewith. Claim 39 depends from claim 38 and further distinguishes over the applied references by its recitation that the module further comprises at least one wired modem. As already noted above, it is not possible to

derive from the disclosures of applied references, including the additional references relied upon in section 1.2 of the action, any suggestion for a module that contains both a non-wired modem and a wired modem.

As regards the Examiner's reason for concluding that it would have been obvious to one of ordinary skill in the art to combine the teachings of the various references, it must be pointed out that the reasons set forth does not identify any prior art motivation for combining the reference teachings. Clearly, the Examiner has not pointed to any prior art knowledge that such a combination would produce the advantages referred to. In the absence of such evidence, the fact that a combination of teachings from various references would produce advantages is, in reality, evidence of unobviousness.

The rejection presented in section 1.3 of the action is also traversed for the reason that the rejected claims depend from allowable claims and should be considered allowable along therewith.

In addition, claims 3 and 4 further distinguish patentably over any reasonable combination of the teachings of the applied references by the recitation in claim 3 that at least one of the electrically-conducting lines is a telephone line and at least one of the outlets is a telephone outlet.

Regardless of what may be disclosed in the Dodds reference, the rejection is not justified because the Examiner has cited no evidence that one skilled in the art would have any motivation to combine the reference teachings in the manner relied upon to support the rejection.

Claims 24, 31, and 40 distinguish over the prior art in essentially the same manner as claim 3, while claim 41 further distinguishes over the prior art in the same manner as claim 4.

The rejection presented in section 1.4 of the action is also traversed, at least for the reason that the rejected claims depend from allowable claims and should be considered along therewith.

Here again, neither Hirata nor Swartz is concerned with a system that utilizes outlets and the Examiner has cited no relevant prior art evidence suggesting that one skilled in the art would be motivated to add outlets to the systems disclosed in those references.

The rejection presented in section 1.5 of the action is traversed at least for the reason that those claims depend from allowable claims and should be considered allowable along therewith.

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In view of the foregoing, it is requested that the rejections of record be reconsidered and withdrawn, that all of the pending claims be allowed and that the application be found in allowable condition.

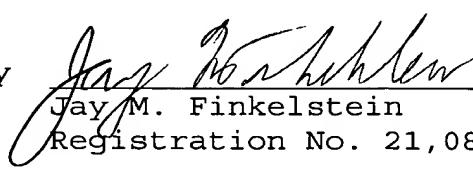
Attention is drawn to the fact that a Request for Withdrawal of Finality of Action was filed on March 10, 2004.

If the above amendment should not now place the application in condition for allowance, the Examiner is invited to call undersigned counsel to resolve any remaining issues.

Respectfully submitted,

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THIRD COLLEGE EDITION

Webster's New WorldTM Dictionary

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*Dedicated
to David B. Guralnik
lexicographical mentor
and friend.*

Webster's New World Dictionary, Third College Edition

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Fourth printing, with corrections

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Published by Webster's New World Dictionaries
A Division of Simon & Schuster, Inc.

Gulf + Western Building
One Gulf + Western Plaza
New York, New York 10023

Dictionary Editorial Offices: New World Dictionaries,
850 Euclid Avenue, Cleveland, Ohio 44114

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Database design and creation by Lexi-Comp, Inc., Hudson, Ohio:

The typefaces used are Century Schoolbook and Helvetica.

Manufactured in the United States of America

6 7 8 9 93 92 91 90 89

Library of Congress Cataloging-in-Publication Data

Webster's New World dictionary of American English / Victoria
E. Neufeldt, editor-in-chief. — 3rd college ed.

1. English language—Dictionaries. 2. Americanisms—
Dictionaries.

I. Neufeldt, Victoria E.
PE1628.W5633 1988

88-1712

ISBN 0-13-947169-3 (thumb-indexed)
0-13-949280-1 (plain-edged)
0-13-949314-X (leatherkraft)

Dictionary Staff...
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2 a person, group, etc. that is not in its position; *usually used in pl.* **3** *sl.* **4** *Baseball* the failure to use safely **5** *Printing* a) the omission of words omitted **6** *Racket Sports* a) out of bounds **7** *vt* to come out; esp. to will out **8** *vt* [Now, Ghejly Dial.] **9** *out!* **10** *adj.* [Colloq.] of, characteristic of, or fond of **11** *adj.* [ME *outter*; new form < *out* + *-er*, replacing *outward* located farther without; exterior; external **2** relating to or removed (the outer regions) **3** *n.* a chain of long, narrow, sandy islands, along the coast of **4** *adj.* **5** *n.* a topcoat, overcoat, etc. **6** *adj.* *Hebrews* **7** *adj.* name of MONGOLIAN PEOPLE's REPUBLIC **8** *adj.* located farthest without **9** *n.* **10** *adj.* beyond the atmosphere of the earth **11** *space* **12** *adj.* **13** *n.* **14** *adj.* outer garments worn over the usual clothes, raincoats, etc. **15** *adj.* **16** *adj.* **17** *adj.* **18** *adj.* **19** *adj.* to overcome or subdue with difficulty or resist **20** *outlet* **1** *n.* **2** the outlying land of a farm **3** *a* the play-field beyond the infield **4** *b* the outfielders **5** *n.* **6** *adj.* **7** *n.* **8** *adj.* **9** *n.* **10** *adj.* **11** *n.* **12** *adj.* **13** *n.* **14** *adj.* **15** *n.* **16** *adj.* **17** *n.* **18** *adj.* **19** *n.* **20** *adj.* **21** *n.* **22** *adj.* **23** *n.* **24** *adj.* **25** *n.* **26** *adj.* **27** *n.* **28** *adj.* **29** *n.* **30** *adj.* **31** *n.* **32** *adj.* **33** *n.* **34** *adj.* **35** *n.* **36** *adj.* **37** *n.* **38** *adj.* **39** *n.* **40** *adj.* **41** *n.* **42** *adj.* **43** *n.* **44** *adj.* **45** *n.* **46** *adj.* **47** *n.* **48** *adj.* **49** *n.* **50** *adj.* **51** *n.* **52** *adj.* **53** *n.* **54** *adj.* **55** *n.* **56** *adj.* **57** *n.* **58** *adj.* **59** *n.* **60** *adj.* **61** *n.* **62** *adj.* **63** *n.* **64** *adj.* **65** *n.* **66** *adj.* **67** *n.* 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What's What

A Visual Glossary of the Physical World

Reginald Bragonier Jr.

and

David Fisher

BALLANTINE BOOKS • NEW YORK

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Published in the United States by Ballantine Books, a division of Random House, Inc., New York, and simultaneously in Canada by Random House of Canada Limited, Toronto, Canada

Library of Congress Cataloging in Publication Data

Bragonier, Reginald.

What's what, a visual glossary of the physical world.

Originally published: Maplewood, N.J.: Hammond, 1981.

1. Picture dictionaries, English. I. Fisher, David, 1946—

II. Title.

[AG250.87 1982] 031'.02 82-8782
ISBN 0-345-30302-4 AACR2

This edition published by arrangement with Hammond, Inc.
Manufactured in the United States of America

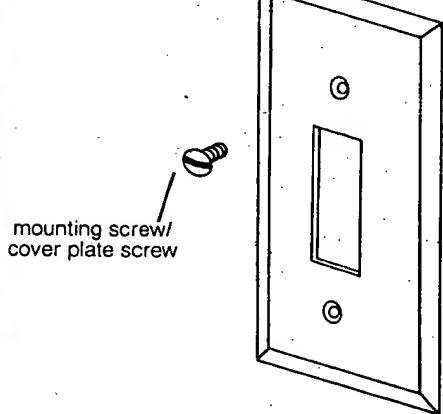
First Ballantine Book Trade Edition: November 1982

10 9 8 7 6 5 4 3 2

Switch, Receptacle and Plug

A wall switch conducts electrical current only when it is in the up, or *on* position, as opposed to the down, or *off* position. Ground wires are located inside the junction box. Attachment plugs, or "dead front" plugs, such as the one shown here, have no exposed current-carrying parts except prongs, blades or pins. A male plug is fitted into a female receptacle.

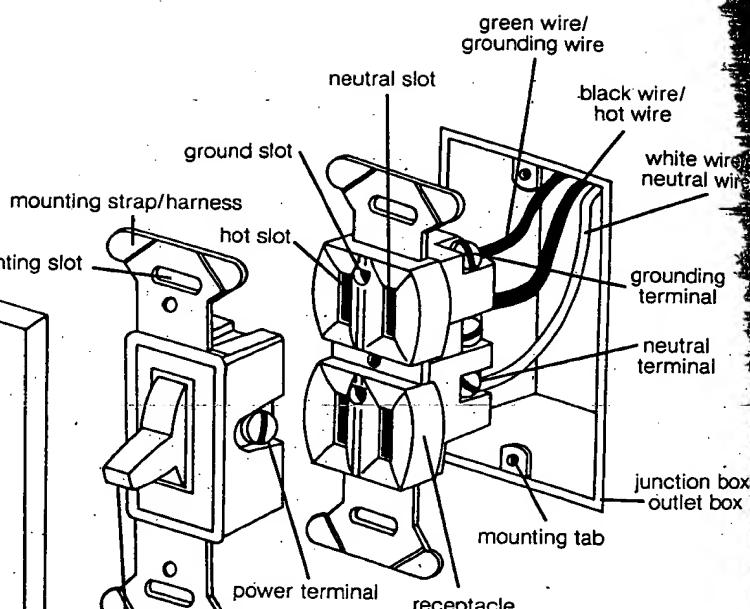
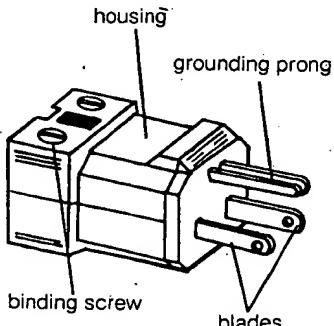
mounting screw/cover plate screw



Wall Switch

Cover Plate/Switch Plate

Plug



Receptacle/Outlet/Wall Socket

primary cell

specifications

Electric Meter

